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COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

PURPLE COMMUNICATIONS,

Employer,

and

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Charging Party/Petitioner.

Cases 21-CA-095151
21-RC-091531
21-RC-091584

REPLY TO RESPONSES

The General Counsel and Purple both ignore the thorough record which is before the Board in Cases 21-CA-149635, et al. The record in those consolidated cases conclusively establishes the use of email by employees and the employer to discuss wages, hours and working conditions during work time. For good reason, both the General Counsel and Purple ignore that record. The Board should ignore their responses for the same reason that they ignored the existence of that record. It's ironic that counsel for the employer dragged that case out for weeks of testimony (made lots of money) and as a result made a complete record establishing email use.

For these reasons, the Board should take administrative notice of that complete record and determine based on that record that the maintenance of the rule is a violation based on that

record the widespread use of email by the employer/employees to discuss wages, hours and working conditions during work time. In the alternative the Board can remand to the Administrative Law Judge to determine based on that record the widespread use of email by the employer/employees to discuss wages, hours and working conditions during work time thus undermining any validity to any limitation on the use of email by the employees of this employer for section 7 activity.

Dated: July 13, 2020

Organize and Resist!

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
DAVID A. ROSENFELD

Attorneys for Charging Party/Petitioner
COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On July 13, 2020, I served the following documents in the manner described below:

REPLY TO RESPONSES

- ☒ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from rfortier-bourne@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 13, 2020, at Alameda, California.

/s/ Laureen D. Arnold
Laureen D. Arnold